Energy efficiency

2011/0172(COD) - 25/10/2012 - Final act

PURPOSE: to update the Union's legal framework with respect to energy efficiency.

LEGISLATIVE ACT: Directive 2012/27/EU on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 204/8/EC and 2006/32/EC.

CONTENT: The Directove establishes **a common framework for measures to promote energy efficiency** in the Union with a view to pursuing the overall objective of of the energy efficiency target of saving 20% of the Union's primary energy consumption by 2020 and of making further energy efficiency improvements after that date. The requirements laid down in the Directive are minimum requirements and shall not prevent any Member State from maintaining or introducing more stringent measures.

Energy efficiency targets: each Member State shall set an **indicative national energy efficiency target**, based on either primary or final energy consumption. By 30 June 2014, the Commission shall assess progress achieved and whether the Union is likely to achieve energy consumption of no more than **1 474 Mtoe of primary energy** and/or **no more than 1 078 Mtoe of final energy** in 2020.

Exemplary role of public bodies' buildings: each Member State shall ensure that, as from 1 January 2014, **3 % of the total floor area** of heated and/or cooled buildings owned and occupied by its central government is renovated each year. The European Parliament, the Council and the Commission agreed to make a comparable commitment bearing in mind budgetary and public procurement rules.

Member States:

- shall establish a **long-term strategy** for mobilising investment in the renovation of residential and commercial buildings with a view to improving the energy performance of the building stock. They may opt for an **alternative approach**, whereby they take other cost-effective measures, including deep renovations and measures for behavioural change of occupants, to achieve, by 2020, an amount of energy savings in eligible buildings owned and occupied by their central government that is at least equivalent, reported on an annual basis;
- shall ensure that central governments **purchase only products, services and buildings with high energy-efficiency performance**, insofar as that is consistent with cost-effectiveness, economical feasibility, wider sustainability, technical suitability, as well as sufficient competition.

Energy efficiency obligation schemes: each Member State shall set up an energy efficiency obligation scheme. That scheme shall ensure that energy distributors and/or retail energy sales companies achieve **a cumulative end-use energy savings target of 1.5% of the annual energy sales to final customers by 31 December 2020**.

However, to achieve this target, Member States will have the option of using a bundle of **flexibility measures** as well as equivalent alternative measures such as: (i) the possibility of achieving 1.5% target in three stages, reaching the 1.5% in 2018; (ii) excluding energy sales from ETS-covered industries; and (iii) the counting of energy savings in the energy transformation, distribution sectors and counting early actions as from 31 December 2008.

The use of these flexibility measures should not lead to a reduction of more than 25% of the amount of the energy savings target.

As an alternative to the establishment of energy efficiency obligation schemes, Member States will be able to adopt other **public policy measures** to achieve energy savings among final customers, provided thos policyè measures meet the criteria laid down in the Directive. The policy measures may include, amonth other things: (i) energy or CO2 taxes that have the effect of reducing end-use energy consumption; (ii) financing schemes and instruments or fiscal incentives; (iii) regulations or voluntary agreements that lead to the application of energy-efficient technology or techniques and reduce end-use energy consumption; (iv)standards and norms that aim at improving the energy efficiency of products and services; (v) energy labelling schemes; (v) training and education programmes.

Energy audits and energy management systems: Member States shall promote the availability to all final customers of high quality energy audits which are cost-effective and: (i) carried out in an independent manner by qualified and/or accredited experts according to qualification criteria; or (ii) implemented and supervised by independent authorities under national legislation.

Metering and billing information: Member States shall ensure that, in so far as it is technically possible, financially reasonable and proportionate in relation to the potential energy savings, final customers for electricity, natural gas, district heating, district cooling and domestic hot water are provided with competitively priced individual meters that accurately reflect the final customer's actual energy consumption and that provide information on actual time of use.

Where final customers do not have smart meters, Member States shall ensure, by 31 December 2014, t**hat billing information is accurate and based on actual consumption**. Final customers shall have the possibility of easy access to complementary information on historical consumption allowing detailed self-checks.

Promotion of efficiency in heating and cooling: by 31 December 2015, Member States shall carry out and notify to the Commission a comprehensive assessment of the **potential for the application of high-efficiency cogeneration and efficient district heating and cooling**. Member States shall carry out a cost-benefit analysis covering their territory based on climate conditions, economic feasibility and technical suitability.

Promotion of energy efficiency: Member States shall evaluate and if necessary take appropriate measures to remove regulatory and non-regulatory barriers to energy efficiency.

Review and monitoring of implementation:by 30 April each year as from 2013, Member States shall report on the progress achieved towards national energy efficiency targets.

ENTRY INTO FORCE: 04/12/2012.

TRANSPOSITION: 05/06/2014.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts to review the harmonised efficiency reference values referred to in the Directive. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years** from 4 December 2012 (a period that may be tacitly renewed for periods of an identical duration, unless Parliament or the Council object). A delegated act shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two months** (this deadline may be extended by a further two months) of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.